

CHAPTER 25-02-02 LICENSURE OF FUNERAL PRACTITIONERS

Section

25-02-02-01	Application for License
25-02-02-02	Qualifications for Licensure
25-02-02-03	Examination for Licensure
25-02-02-04	License Renewal, Late Renewal
25-02-02-05	Licensure by Reciprocity
25-02-02-06	Intern Embalmer
25-02-02-06.1	Internship Requirements
25-02-02-07	Prohibited Acts [Repealed]
25-02-02-08	Exception from Licensure [Repealed]

25-02-02-01. Application for license. An application for license to practice funeral service shall be made on a form provided by the board. The application shall contain the person's full name, age, place of residence, recent photograph, and any other information required by the board. The application shall be accompanied by a fee of one hundred dollars which shall entitle the applicant to examination of the state rules and laws, by the required transcripts, and by affidavits of at least two reputable residents of the county in which the applicant resides or proposes to engage in the practice of funeral service to the effect that the applicant is of good moral character.

History: Amended effective March 1, 1985; May 1, 1993; May 1, 1998; April 1, 2005.

General Authority: NDCC 43-10-05

Law Implemented: NDCC 43-10-11, 43-10-13

25-02-02-02. Qualifications for licensure. To qualify for a license to practice funeral service, the applicant shall comply with all of the following requirements:

1. Be of good moral character.
2. Furnish evidence of successful completion of an accredited four-year high school course of study.
3. Furnish evidence of satisfactory completion of at least two years of accredited college or university course of study (one year means a minimum of thirty semester hours or a minimum of forty-five quarter hours).
4. Show evidence of graduation from an accredited college of mortuary science.
5. Have successfully completed all required examinations.
6. Demonstrate completion of an approved internship.

7. Demonstrate to a funeral practitioner proficiency in the art of embalming. Final embalming report to indicate by affidavit signed by a funeral practitioner that the applicant is proficient in embalming.

History: Amended effective April 1, 1979; July 1, 1983; March 1, 1985; May 1, 1993; May 1, 1998.

General Authority: NDCC 43-10-05

Law Implemented: NDCC 43-10-11

25-02-02-03. Examination for licensure.

1. Questions used.

- a. The conference of funeral service examining boards' questions may be used in the examination. Written answers to these questions shall be examined and passed upon at the direction of the board. A general average of seventy-five percent correct answers must be attained by the applicant.
- b. The national board examinations as provided by the conference of funeral service examining board and approved by the board may be used in lieu of the examinations on the following subjects: anatomy, embalming, chemistry, pathology, bacteriology, mortuary administration, and restorative arts as provided by the state board.

2. Failure to pass examination.

- a. Should the applicant fail the examination, the applicant must wait three months to retake the examination.
- b. An applicant may not take the examination more than three times.

3. **Examination dates.** Examination of North Dakota laws and rules must be given by the division of vital records, North Dakota state department of health, state capitol, 600 east boulevard, Bismarck, ND 58505. Time of examination must be arranged by the examinee and the department. The board of funeral service shall issue a card indicating eligibility of the examinee to take the examination. Applicants of record shall be duly notified a reasonable time prior to an examination as to the time and place of the examination. The secretary of the board with the assistance of other members of the board may give special examinations during any regular meeting when in the opinion of the board it is necessary to prevent undue hardship upon applicants who may wait many months for the regular examination. These special

examinations shall be consistent with all provisions of law and the rules and regulations for the examination for licensure.

History: Amended effective April 1, 1979; May 1, 1993; May 1, 1998.

General Authority: NDCC 43-10-05

Law Implemented: NDCC 43-10-12

25-02-02-04. License renewal, late renewal.

1. **Date of renewal.** The license to practice funeral service shall be issued for one year and may be renewed by the board by submitting a completed renewal application and the renewal fee of one hundred dollars. The board may refuse to renew the license for cause. The executive secretary of the board shall notify each holder of a license to practice funeral service thirty days prior to the renewal date. A retired funeral practitioner may be given an honorary certificate as long as the funeral practitioner is not engaged in the active practice of funeral service.
2. **Late renewal.** A license which has been expired may be renewed at any time within three years after its expiration on filing of application for renewal on a form prescribed by the board and payment of the renewal fee in effect on the last regular renewal date. If the license is not renewed within thirty days after its expiration, the licensee shall pay a late fee of one hundred fifty dollars. A license which is not renewed within three years after its expiration may not be renewed thereafter.

History: Amended effective July 1, 1983; March 1, 1985; May 1, 1993; May 1, 1998; April 1, 2005; amendments voided by the Administrative Rules Committee effective October 18, 2005.

General Authority: NDCC 43-10-05, 43-10-06.2

Law Implemented: NDCC 43-10-06.2, 43-10-13, 43-10-15, 43-10-15.1

25-02-02-05. Licensure by reciprocity.

1. **Education and experience requirements.** Applicants for license through reciprocity with other states must meet educational and experience requirements in conformity with the requirements of the board.
2. **License through examination.** Consideration for reciprocity will be given only to embalmers, funeral directors, or funeral service practitioners who secured through examination the license on which they apply for reciprocal license and who have been actively engaged in the practice of their profession as a licensed embalmer, funeral director, or funeral service practitioner for a period of not less than one year preceding the filing of an application for reciprocity.
3. **Fee.** The applicant must pay a fee of one hundred dollars.

4. **Submit to examination.** An applicant for licensure through reciprocity shall submit to an examination at the time and place designated by the board for the purpose of taking a written examination on the laws and rules of North Dakota regarding the practice of funeral service.

History: Amended effective July 1, 1983; March 1, 1985; May 1, 1993; May 1, 1998.

General Authority: NDCC 43-10-05

Law Implemented: NDCC 43-10-14

25-02-02-06. Intern embalmer.

1. **Application.** The application for registration as an intern embalmer shall be made upon a form approved by the board and verified by the applicant and accompanied by a fee of fifty dollars. The application shall include the name and home address of the intern embalmer, the date the internship begins, and the name, license number, and business address of the supervising funeral practitioner. The registration is valid for one year and may be renewed by filing a renewal application with the board and by payment of the renewal fee of twenty-five dollars. The registration may not be renewed more than three times.
2. **Qualifications.** In order to qualify as an intern embalmer, the applicant shall comply with the following requirements:
 - a. Be eighteen years of age.
 - b. Be of good moral character.
 - c. Furnish evidence of having completed an accredited four-year high school course of study and evidence of completion of two years of accredited college or university studies.
 - d. Graduated from an accredited college of mortuary science.
3. **Certification.** The state board of funeral service shall pass upon every intern embalmer application at its regular meeting. The applicant shall be duly notified whether the applicant has been accepted or rejected after a majority vote of the board has been received.
4. **Intern embalmer register.** The executive secretary of the board shall keep a separate register for intern embalmers.
5. **Lapsed certificate.** In case an intern embalmer has allowed the certificate of registration to lapse for thirty days or more, no reregistration shall be permitted so as to make the intern embalmer's registration continuous from the date of the intern embalmer's original registration.

6. **Monthly report.** Each registered intern embalmer shall submit a report to the executive secretary of the board by the fifteenth of the month stating all cases in which the intern embalmer has assisted during the preceding month. This report is to be made on forms furnished by the board. Reports must be signed by the supervising funeral practitioner. Ten reports of funeral arrangements and funeral services must be submitted during the final six months of internship.

History: Amended effective April 1, 1979; July 1, 1983; May 1, 1993; May 1, 1998.

General Authority: NDCC 43-10-05

Law Implemented: NDCC 43-10-10, 43-10-22

25-02-02-06.1. Internship requirements.

1. Intern embalmers may only practice funeral service under the direct supervision of a North Dakota funeral practitioner.
2. An intern embalmer may be registered under only one funeral practitioner at any given time and may be directed and supervised only by the funeral practitioner. A funeral practitioner shall have only one registered intern embalmer working for the funeral practitioner at any given time.
3. While under the direct and exclusive supervision of a North Dakota funeral practitioner, the intern embalmer must actively participate in the embalming of at least twenty-five dead human bodies and in the arrangements or the direction of at least ten funerals.

History: Effective May 1, 1998.

General Authority: NDCC 43-10-05

Law Implemented: NDCC 43-10-15.4

25-02-02-07. Prohibited acts. Repealed effective May 1, 1998.

25-02-02-08. Exemptions from licensure. Repealed effective May 1, 1998.